

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ISOTHIAZOLE CARBOXYLIC ACID AMIDES AND THE APPLICATION THEREOF
IN ORDER TO PROTECT PLANTS**

the specification of which is attached hereto,

or was filed on **November 5, 1998**

as a PCT Application Serial No. **PCT/98/07056**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s), the priority(ies) of which is/are to be claimed:

197 50 012.9
(Number)

Germany
(Country)

12. November 1997
(Month/Day/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Le A 32 692-US

JOSEPH C. GIL, Patent Office Registration Number 26,602
 ARON PREIS, Patent Office Registration Number 29,426
 LYNDANNE M. WHALEN, Patent Office Registration Number 29,457
 THOMAS W. ROY, Patent Office Registration Number 29,582
 RICHARD E. L. HENDERSON, Patent Office Registration Number 31,619
 GODFRIED R. AKORLI, Patent Office Registration Number 28,779
 N. DENISE BROWN, Patent Office Registration Number 36,097
 NOLAND J. CHEUNG, Patent Office Registration Number 39,138
 CAROL MARMO, Patent Office Registration Number 39,761
 DIDERICO VAN EYL, Patent Office Registration Number 38,641

all of Bayer Corporation, Pittsburgh, Pennsylvania 15205-9741

Send Correspondence To: Patent Department Bayer Corporation 100 Bayer Road Pittsburgh, Pennsylvania 15205-9741	Direct Telephone Calls To: (412) 777-2349
---	---

FULL NAME OF SOLE OR FIRST INVENTOR Lutz Abmann		INVENTOR'S SIGNATURE <i>Lutz Abmann</i>	DATE 17.03.00
RESIDENCE D 40764 Langenfeld, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF SECOND INVENTOR Dietmar Kuhn		INVENTOR'S SIGNATURE <i>Dietmar Kuhn</i>	DATE 21.03.2000
RESIDENCE D 51399 Burscheid, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF THIRD INVENTOR Hans-Ludwig Elbe		INVENTOR'S SIGNATURE <i>Hans-Ludwig Elbe</i>	DATE 24.03.00
RESIDENCE D 42329 Wuppertal, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF FOURTH INVENTOR Christoph Erdelen		INVENTOR'S SIGNATURE <i>Christoph Erdelen</i>	DATE 2000.04.05
RESIDENCE D 42799 Leichlingen, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF FIFTH INVENTOR Stefan Dutzmann		INVENTOR'S SIGNATURE <i>Stefan Dutzmann</i>	DATE 16.03.00
RESIDENCE D 40764 Langenfeld, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF SIXTH INVENTOR Gerd Hänßler		INVENTOR'S SIGNATURE <i>Gerd Hänßler</i>	DATE 27.03.00
RESIDENCE D 51381 Leverkusen, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			
FULL NAME OF SEVENTH INVENTOR Klaus Stenzel		INVENTOR'S SIGNATURE <i>Klaus Stenzel</i>	DATE 2000-04-05
RESIDENCE D 40595 Düsseldorf, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany			

EDENCE		D 42799 Leichlingen, Germany		CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer Aktiengesellschaft, D 51368 Leverkusen, Germany					
FULL NAME OF NINTH INVENTOR Yoshinori Kitagawa		INVENTOR'S SIGNATURE <i>Yoshinori Kitagawa</i>		DATE 14-04-00	
RESIDENCE 1085, Ara-machi, Moka-shi, Tochigi, Japan		CITIZENSHIP Japanese			
POST OFFICE ADDRESS 1085, Ara-machi, Moka-shi, Tochigi, Japan					
FULL NAME OF TENTH INVENTOR Haruko Sawada		INVENTOR'S SIGNATURE <i>Haruko Sawada</i>		DATE 14-04-00	
RESIDENCE 848-4, Obadayashi, Yuki-shi, Ibaraki, Japan		CITIZENSHIP Japanese			
POST OFFICE ADDRESS 848-4, Obadayashi, Yuki-shi, Ibaraki, Japan					
FULL NAME OF ELEVENTH INVENTOR Haruhiko Sakuma		INVENTOR'S SIGNATURE <i>Haruhiko Sakuma</i>		DATE 14-04-00	
RESIDENCE 4-29-19, Higashijonan, Oyama-shi, Tochigi, Japan		CITIZENSHIP Japanese			
POST OFFICE ADDRESS 4-29-19, Higashijonan, Oyama-shi, Tochigi, Japan					
FULL NAME OF TWELFTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					
FULL NAME OF THIRTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					
FULL NAME OF FOURTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					
FULL NAME OF FIFTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					
FULL NAME OF SIXTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					
FULL NAME OF SEVENTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE	
RESIDENCE		CITIZENSHIP			
POST OFFICE ADDRESS					

Applicants: Lutz Assmann et al.
Serial No: 10/010,434
Filed: December 6, 2001
Title: ISOTHIAZOLE CARBOXYLIC ACID AMIDES AND THE
APPLICATION THEREOF TO PROTECT PLANTS
Art Unit: 16 26
Examiner: I. I. Stockton

DECLARATION

I, Peter Dahmen, of 41470 Neuss, Altebrückerstr. 61, Germany, a citizen of Germany, declare that :

1. I am an agronomist having studied at the University of Bonn, Germany;
2. I received the degree of Doctor agr. at the University of Bonn in the year of 1990;
3. I further specialized in the field of plant protecting agents, in particular herbicides and fungicides;
4. In the year of 1991, I entered the employ of Bayer Aktiengesellschaft (now Bayer CropScience AG) at Leverkusen, Germany, where I am still employed in the Biological Research Department at Monheim, Germany;
5. The following tests have been carried out under my supervision and direction.

Example 1

Erysiphe test (barley) / protective

Solvent : 50 parts by weight of N, N – dimethylformamide

Emulsifier : 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

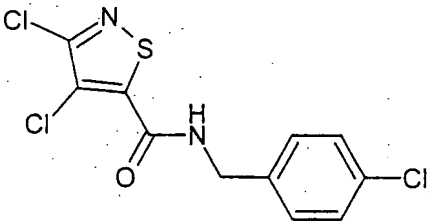
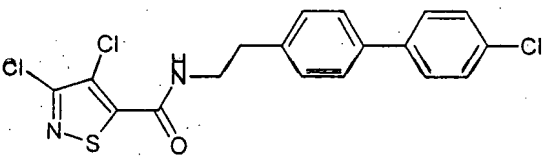
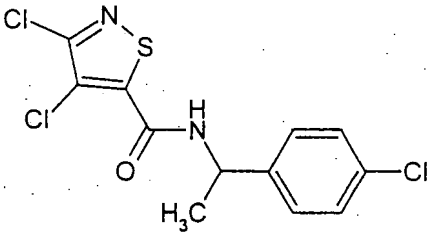
To test for protective activity, young barley plants are sprayed with the preparation of active compound at the stated rate of application. 1 day after the treatment, the plants are inoculated with spores of *Erysiphe graminis* f. sp. *hordei*. The test plants are then placed in a greenhouse at a temperature of 20°C and a relative atmospheric humidity of 80 % to promote the development of mildew pustules.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100 % means that no disease is observed.

The active compounds, amounts of active compounds and results are shown in the following table.

Table 1

Erysiphe test (barley) / protective

Active compound	Rate of application of active compound in g/ha	Efficacy in %
<p><u>known from US-A 5 240951(Comp. No.36)</u></p>  <chem>Clc1ccc(cc1)NC(=O)c2c(Cl)c(Cl)n(s2)</chem>	375	47
<p><u>according to invention:</u></p>  <chem>Clc1ccc(cc1)CCNC(=O)c2c(Cl)c(Cl)n(s2)c3ccc(cc3)-c4ccc(Cl)cc4</chem>	375	71
 <chem>Clc1ccc(cc1)C(C)NC(=O)c2c(Cl)c(Cl)n(s2)</chem>	375	86

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 2001-06-16

Monheim, Germany

Peter Dahmen

(Peter Dahmen)

LeA 32692-US-2

-4-